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5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

7 UNITED STATES OF AMERICA,)
)
8 Plaintiff,) Case No. CR03-544-JCC
)
9 v.)
)
10 RENO U. MAIAVA) **PROPOSED FINDINGS OF**
) **FACT AND DETERMINATION**
) **AS TO ALLEGED**
11 Defendant.) **VIOLATIONS OF**
) **CONDITIONAL RELEASE**
12

13 INTRODUCTION

14 I conducted a hearing on alleged violations of conditional release in this case on November
15 10, 2008. The defendant appeared pursuant to a warrant issued in this case. The United States
16 was represented by Kelly Harris, and defendant was represented by Kevin Peck. Also present
17 was U.S. Probation Officer Michael S. Larsen. The proceedings were digitally recorded.

18 COMMITMENT PROCEEDINGS

19 On November 4, 2005, defendant was committed to the custody of the Attorney General
20 after being found not guilty by reason of insanity. On November 6, 2007, defendant was granted
21 conditional release by the Court subject to certain conditions including placement at Pioneer RRC
22 for up to 180 days.

23 On December 5, 2007, defendant was released from the medical center, Springfield,

1 Missouri and escorted to Pioneer RRC. He was released from Pioneer RRC on May 21, 2008 and
2 placed at Berkey house, a group home.

3 PRESENTLY ALLEGED VIOLATIONS AND
4 DEFENDANT'S ADMISSION OF THE VIOLATION

5 In a petition dated November 5, 2008, Supervising U.S. Probation Officer Michael S. Larsen
6 alleged that defendant violated the following conditions of supervision:

- 7 1. Failing to take prescribed medications in violation of the conditional release order.
- 8 2. Failing to participate in mental health treatment in violation of the conditional release
9 order.

10 Defendant admitted violations 1 and 2. Defendant was advised of his right to an evidentiary
11 hearing and waived any hearing as to whether the violations occurred. Defendant was informed
12 the matter would be set for a disposition hearing before Judge Coughenour.

13 RECOMMENDED FINDINGS AND CONCLUSIONS

14 Based upon the foregoing, I recommend the court find that defendant has violated the
15 conditions of his conditional release as alleged above, and conduct a disposition hearing.

16 DATED this 10th day of November, 2008.

17 

18 BRIAN A. TSUCHIDA
19 United States Magistrate Judge
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